

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 29 has been cancelled without prejudice or disclaimer, and claims 1, 2, 17, 21, 30, 31, 37, 38, 39, 41-43, 45, 46, 50, 54-56, and 58 have been amended.

No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 1-28 and 30-58 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 2-3, the Examiner rejects claims 1, 17-20, 26-40, 42, 45, 48-53, and 55-57 under 35 U.S.C. §102 in view of Mistretta (U.S. Patent No. 5,548,571). This rejection is respectfully traversed and reconsideration is requested.

As an initial point of clarification, claim 29 has been cancelled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection of claim 29 is deemed moot.

In addition, it is noted that the Examiner rejects claim 49. However, since claim 49 depends from claim 47, which the Examiner indicates as having allowable subject matter on page 3 of the Office Action, it is respectfully submitted that Mistretta does not disclose or suggest the invention recited in claim 49 due at least the Mistretta not disclosing or suggesting the invention recited in claim 47.

By way of review, Mistretta discloses a disk drive having a transmitter T which emits a light beam to be received at a receiver R. A carrier 30 having holes h and holding a disk passes into the disk drive in a direction A. The carrier 30 is driven at a constant rate by pinch rollers R1, R2 such that the receiver R and the holes h generate a pattern of signals. Where no hole h exists as the carrier 30 passes into the disk drive, the light is not received at the receiver R. Where the holes h exist, the receiver R is illuminated and a signal is received at a CPU. According to the pattern of the signals received at the CPU, the CPU uses a look up table LUT to determine a signature code of the carrier 30. (Col. 4, line 54 to col. 5, line 28, col. 7, lines 12-40; FIGs. 4, 6, and 7). However, since Mistretta utilizes a light beam, Mistretta does not suggest that the transmitter T or the receiver R contacts the carrier 30.

In contrast, claim 1 recites, among other features, "an identification unit disposed on said case to identify a type of the disc using the probing portion of the disc drive," where "the probing portion is selectively pressed by said identification unit to produce a predetermined sequence of

information to determine the type of the disc.” As such, it is respectfully submitted that Mistretta does not disclose or suggest the invention recited in claim 1.

For similar reasons, it is respectfully submitted that Mistretta does not disclose or suggest the invention as recited in claims 31, 42, 45, and 50.

In addition, as shown in FIGs. 2, 4 and 6, Mistretta discloses a carrier 30 that leaves the recording surface of the disk exposed when the carrier 30 is inserted into the disk drive. Moreover, even assuming the carrier 30 can be inserted into a caddy 10 as shown in FIG. 1, there is no suggestion that the caddy 10 has the holes h. (Col. 1, lines 24-48). As such, Mistretta does not suggest a side of the carrier 30 being disposed above or below the recording surface, that the holes h are formed in the side of the carrier 30, or that the holes h are formed on a side of the carrier 30 adjacent to the side above or below the recording surface.

In contrast, claim 17 recites, among other features, “a case to accommodate the information recording medium, the case having a first side disposed above or below a recording surface of the information recording medium” and “identification units disposed on the first side of said case to be sequentially detected by the probing portion of the apparatus to produce a predetermined sequence of information to determine a type of the information recording medium.” As such, it is respectfully submitted that Mistretta does not disclose or suggest the invention recited in claim 17.

For similar reasons, it is respectfully submitted that Mistretta does not disclose or suggest the invention as recited in claims 37 and 55.

Similarly, it is noted that Mistretta does not disclose or suggest that “said case further comprises a top side disposed above or below a recording surface of the information recording medium, and a second side disposed adjacent the top side,” and “said identification units are disposed on the second side” recited in claim 30.

For similar reasons, it is respectfully submitted that Mistretta does not disclose or suggest the invention recited in claims 38 and 56.

In addition, as shown in FIG. 6, Mistretta discloses that the disk drive receives the carrier 30 through the opening using the pinch rollers R1, R2. Mistretta does not disclose or suggest that the disk drive includes a tray that receives and moves the carrier 30. In contrast, claim 34 recites, among other features, “a tray to receive the disc cartridge, wherein ... said tray moves the disc cartridge.” As such, it is respectfully submitted that Mistretta does not disclose or suggest the invention recited in claim 34.

For similar reasons, it is respectfully submitted that Mistretta does not disclose or suggest the invention as recited in claim 39.

Claims 18-20, 26-28, 32, 33, 35, 36, 40, 48, 51-53, and 57 are deemed patentable due at least to their depending from corresponding claims 17, 31, 45, and 50.

STATUS OF CLAIMS NOT REJECTED:

On page 3 of the Office Action, the Examiner allows claims 14-16, and objects to claims 2-13, 21-25, 41, 43, 44, 46, 47, 54, and 58 for depending from rejected claims.

Claim 2 has been made independent and to replace the term "contacts" with "detects" and has not been amended to narrow the scope of the claim. As such, it is respectfully requested that the Examiner reconsider and withdraw the objection to claims 2-13.

In addition, claims 21, 41, 43, 46, 54, and 58 have been made independent and have not been amended to narrow the scope of the claims. As such, it is further respectfully requested that the Examiner reconsider and withdraw the objections to claims 21-25, 41, 43, 44, 46, 47, 54, and 58.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

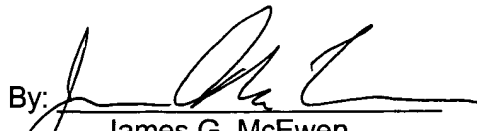
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If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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